

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Smith International, Inc., §
Plaintiff, §
VS. § CIVIL ACTION NO. H-04-4151
§
The Egle Group, L.L.C., §
Don M. Egle, §
and §
Daniel Rees, as Trustee of the Egle Trust §
for Michelle A. Egle, The Egle Trust for §
John M. Egle, Jr., and the Egle Trust for §
Lauren E. Egle, §
Defendants. §

MEMORANDUM AND ORDER

Pending before the Court is Defendant Daniel Rees's motion for an evidentiary hearing. Rees argues that there are contested issues of fact relating to his motion to dismiss or to transfer venue, which is also pending in this Court. After considering the parties' filings and oral arguments and the applicable law, the Court finds that there are no contested factual issues relevant to resolution of the motion to dismiss or transfer. Rees's motion for an evidentiary hearing is therefore **DENIED**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 2nd day of November, 2005.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.